

COHEN & GREEN

August 20, 2024

BY ECF

Hon. Stewart D. Aaron, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Burton, et al v. Bussanich, et al.*, 18 CV 2039 (JLR)(SDA)

Your Honor:

I am co-counsel for Plaintiffs in this medical malpractice and wrongful death action brought against the United States under the Federal Tort Claims Act, and against certain individuals employed by the Bureau of Prisons (the “BOP”) under Bivens. This action arises from the death of Franklin Sanchez, a Colombian citizen who was in BOP custody after being extradited to the United States when he died. On behalf of all parties, I write respectfully to request an extension of the discovery deadlines corresponding to the extension granted by the Court on August 10, 2024. In that Order, the Court stated that “[t]he deadline for completion of discovery is extended to October 11, 2024 for the purpose of taking the depositions of two current and two former BOP employees who were responsible for saving video footage from the relevant MCC surveillance cameras on March 19, 2025.” Fact discovery was otherwise set to close on August 14, 2024. ECF No. 147. The Court’s August 10, 2024 Order granted Plaintiffs an additional 58 days to complete these remaining depositions, which were necessitated by Defendants’ late disclosure of their litigation hold documentation. ECF No. 154.

In light of the fact that fact depositions are still ongoing for this limited purpose, Plaintiffs respectfully request that the Court grant a corresponding 58-day extension of all of discovery deadlines as follows:

	Current Deadline	Request New Deadline
Expert Reports:	9/13/24	11/12/24
Rebuttal Reports	10/11/24	12/12/24
Expert Depositions:	11/12/24	1/9/25
All Discovery	11/18/24	1/15/25

This is the fifteenth discovery extension requested by the parties. The Defendants consent to this request. Plaintiffs note that they were on track to comply with the Court's last granted extension until receiving the government's litigation hold. Because our expert must have all fact discovery at her disposal before making the Plaintiffs' expert disclosures, Plaintiffs respectfully request that the Court grant this extension as outlined in the attached proposed scheduling order.

Plaintiffs thank the Court for its time and consideration.

Respectfully Submitted,

/S/

Jessica Massimi